

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

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|----------------|---|-------------------------|
| LEVIE ROBERTS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 3:22-CV-250-KAC-DCP |
| |) | |
| MIKE PARIS, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM OPINION AND ORDER

Petitioner Levie Roberts, a prisoner of the Tennessee Department of Correction housed in the Morgan County Correctional Complex (“MCCX”), filed (1) a motion for leave to proceed *in forma pauperis* [Doc. 3], (2) a pro se petition for habeas corpus relief under 28 U.S.C. § 2254 seeking relief from a Shelby County, Tennessee conviction [Doc. 1 p. 1], and (3) an affidavit to support his petition [Doc. 2]. For the reasons set forth below, the Court **TRANSFERS** this petition to the Western Division of the United States District Court for the Western District of Tennessee.

Under 28 U.S.C. § 2241(d), a petitioner may file a habeas corpus petition in the district where his judgment was entered or in the district where he is incarcerated. Petitioner is currently incarcerated in MCCX, which is located within this District, but his petition challenges a conviction in Shelby County, Tennessee, which lies within the Western Division of the United States District Court for the Western District of Tennessee. *See* 28 U.S.C. § 123(c)(2). Thus, venue for this Section 2254 petition is proper both in this District and in the Western District of Tennessee.

However, a petitioner’s place of confinement may change, while the location of the entry of his judgment of conviction will remain constant. Accordingly, because a court may transfer a

case to another district “in the interest of justice,” 28 U.S.C. § 1406(a), the consistent practice in Tennessee’s federal courts is to transfer habeas petitions to the district in which the convicting court is located.

For these reasons, the Court **DIRECTS** the Clerk to transfer this action to the Western Division of the United States District Court for the Western District of Tennessee and to close this Court’s file.

SO ORDERED. AN APPROPRIATE JUDGMENT WILL ENTER.

ENTER:

s/ Katherine A. Crytzer
KATHERINE A. CRYTZER
United States District Judge